76I531N25A - SH - AD - 32A (11/02)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: August 10, 2006

FILE NO.: SH2155758

FROM: JOHNNY G. JURADO, COMMANDER
ERIC B. SMITH, COMMANDER
KENNETH J. BRAZILE, COMMANDER

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**

DEPUTY JESSE MELGOZA #[redacted]
EAST LOS ANGELES STATION

On September 23, 2005, East Los Angeles Station Deputy Melgoza was assigned as a training officer. During this shift, Deputy Melgoza was working with Deputy Gabriel. While patrolling the north end of East Los Angeles, the deputies saw a male Hispanic who they recognized as Suspect Jimenez, who had committed a vandalism a few days earlier. As they approached to detain him, they saw him bend down near the front passenger tire of a parked pickup truck, as if he was hiding something. After detaining him, they determined he was under the influence of a stimulant and arrested him for vandalism and being under the influence of a narcotic. Suspect Jimenez was placed into their radio car.

Deputy Melgoza returned to check the area between the vehicles where Suspect Jimenez was standing when Suspect DeSantiago, who was hiding behind another vehicle, suddenly began shooting at Deputy Melgoza with a rifle. Suspect DeSantiago fired four rounds at Deputy Melgoza, striking Deputy Melgoza one time on top of his right shoulder. Deputy Melgoza returned fire as he took cover and retreated back toward his radio car. Deputy Melgoza fired eleven, 9mm rounds at Suspect DeSantiago, which caused him to turn and run northbound on Hicks Avenue away from the location. Suspect DeSantiago was not struck by any of the rounds fired at him.

Responding deputies contained the area and requested Special Enforcement Bureau. SEB began an area search and found an assault type rifle in the rear yard of [redacted] Ganahl Street. Additional information developed by investigators revealed that Suspect DeSantiago was an associate of Suspect Jimenez. A search warrant was executed at [redacted] Ganahl Street, and during a subsequent canine search, Suspect DeSantiago was located but refused to surrender. The canine engaged the suspect, causing injury to t his left calf. Suspect DeSantiago was taken into custody without further incident.

Suspect DeSantiago was treated for a dog bite to his left calf. An SKS assault rifle with a thirty round magazine was recovered at the scene, along with a fully loaded .38 Smith and Wesson revolver, which was found on top of the passenger tire of the parked pickup truck, where Suspect Jimenez had placed it. Suspect DeSantiago is a known "Sentinel Boys street gang member." Suspect Jimenez is an associate of that gang. Deputy Melgoza was treated and released for a grazing gunshot wound to his upper right shoulder.

On August 10, 2006, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MMP § 3-01/025.00: Use of Force; MMP § 3-01/025.30: Use of Firearms and Deadly Force; MMP § 3-01/025.10: Unreasonable Force; and MMP § 3-01/050.10: Performance to Standards. Concerning:

MMP § 3-01/025.00: Use of Force, MMP § 3-01/025.30: Use of Firearms and Deadly Force, and MMP § 3-01/025.10: Unreasonable Force, the Committee determined that the force used by the deputy was reasonable and necessary and in compliance with Department policy. MMP § 3-01/050.10: Performance to Standards, the Committee determined that the tactics employed by the deputies in this incident were within Department Policy.

Johnny G. Jurado, Commander

Table of Contents

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 6/15/06	Bureau/Station/Facility: FOR I/East Los Angeles Station	Admin. Invest.? ☐ Hit? ☒

Incident Information

URN: 005-11003-0272-055	Date: September 23, 2005 Time: 0406 Hrs.
City or Station: East Los Angeles	Nature of Incident: DEPUTIES MELGOZA & GABRIEL ARRESTED ALEJANDRO JIMENEZ, WHO WAS PLACED IN THE REAR SEAT OF THEIR RADIO CAR. WHILE CHECKING THE IMMEDIATE AREA, MELGOZA WAS CONFRONTED BY ERIK DESANTIAGO WHO WAS HIDING BEHIND A VEHICLE. DESANTIAGO SUDDENLY BEGAN SHOOTING AT MELGOZA, STRIKING HIM IN THE RIGHT SHOULDER. MELGOZA RETURNED FIRE, AS DESANTIAGO FLED. DURING A SEARCH OF THE AREA, DESANTIAGO AND ASSAULT RIFLE WERE LOCATED AT DESANTIAGO'S RESIDENCE.
Location: City Terrace Drive/Hicks Avenue	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, **Street** (circled), Other: ______

Lighting (*circle only one*): Darkness, **Daylight** (circled), Other, Street Lights

Weather (*circle only one*): Clear, **Cloudy** (circled), Fog, Rain

Distance: 15-20 feet

Incident Type (*circle one or more*): Accidental, **Armed Person** (circled), Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: ______

Initiated by (*circle only one*): Arrest Warrant, Call, **Observation** (circled), One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **Routine Patrol** (circled)

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
11	6	☐	☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Gabriel	Arturo		**EM** (circled) PM Day	**Regular** (circled) Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	Street Address	City	First Name	Zip Code	Work Ph	Home Ph	M.I.

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	Lopez	Daniel		**On Duty** (circled), Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Somoano	Ignacio	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Somoano	Ignacio	

PSTD Use Only
SH # ______

Officer Involved Shooting

URN: 005-11003-0272-055

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
9/23/05	0530	6/30/06	

Employee #	Last Name	First Name	M.I
[redacted]	Anderson	Clay	J
[redacted]	Kuykendall	Kevin	
[redacted]	Seno	Bennett	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
E#1	S#1	FH	BR	9	Y	Y	GS	SH
S#1	E#1	FR	AK	WW				

See Front Side



Officer Involved Shooting
Involved Employee Information

URN: 005-11003-0272-055

Involved Employee

E__

Employee # [redacted]	Last Name: Melgoza	First Name: Jessie	M.I.
Sex: M Race: H	Rank: Deputy Sheriff	Unit Assignment: East Los Angeles	Work Assignment (Unit #, Module, etc.): Unit 24
ShiftTime (*circle only one*): **(EM)** PM Day	ShiftType (*circle only one*): **(Regular)** Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☒	Hospital Name: LA County Med. Center	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting: B/T 6 - 8 hours	Duty Time (hrs): [redacted] hrs.	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **(Uniform w/ Vest)**	Other Factors:
Age: Height: 5' 10"	Weight: 180 lbs.		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E__

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E__

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting Suspect Information

URN: 005-11003-0272-055

Suspect Information

S 1

Last Name: DeSantiago	First Name: Erik	M.I.
AKA Last Name	First Name	M.I.

Sex: M Race: H	Street Address: [redacted]	City [redacted]	State & Zip Code: [redacted]
Work Phone:	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 19 D.O.B. 06-12-86	Height: 5'11" Weight: 150 lbs	FBI # [redacted]	CII # [redacted]
Booking # 8748104	Primary Charge: 664/187 PC	Secondary Charge: 245 D(3) PC	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make		Model:	Year:

S

Last Name: Jimenez	First Name: Alejandro	M.I.
AKA Last Name	First Name	M.I.

Sex: M Race: H	Street Address: [redacted]	City [redacted]	State & Zip Code: [redacted]
Work Phone:	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 18 D.O.B. 11-26-86	Height: 5'11" Weight: 160lbs	FBI # [redacted]	CII # [redacted]
Booking # 8748164	Primary Charge: 11550 (e) HS	Secondary Charge: 11550 (e) HS	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☒	Substance Used: Methamphetamine
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make		Model:	Year:

S

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY
DEPUTY INVOLVED HIT SHOOTING

UNIT:	East Los Angeles Station
DATE:	Friday, September 23, 2005
TIME:	0406 hours
LOCATION:	City Terrace Drive and Hicks Avenue East Los Angeles
URN#:	005-11003-0272-055
IAB#:	SH2155758

On September 23, 2005, the Internal Affairs Bureau's Force and Shooting Response Team responded to the intersection of City Terrace Drive and Hicks Avenue in the unincorporated area of East Los Angeles regarding an officer involved hit shooting. The team consisted of Sergeant Clay Anderson, Sergeant Kevin Kuykendall, and Lieutenant Bennett Seno. Detectives Gabrielle Graves and Robert Harris of the Sheriff's Department Homicide Bureau were the detectives assigned to handle the criminal aspect of the incident.

When the team arrived at the location, one suspect was in custody, another suspect was outstanding, and there was an active command post and containment of the location. Investigators learned that the series of events which occurred culminated into an officer-involved hit shooting involving Deputies Jesse Melgoza and Arturo Gabriel. Deputies Melgoza and Gabriel were uniformed patrol officers working a two-deputy unit; Melgoza was the driver of the vehicle, with Gabriel as the front seat passenger, "bookman."

IAB Note: Deputy Gabriel was on [redacted] on the date of the incident, and assigned to ride with Deputy Melgoza that night. Gabriel related that he was in [redacted] at East Los Angeles Station, but Deputy Melgoza was not his regular [redacted]

This investigation is based on statements by the involved deputies and witnesses at the scene, and information obtained during the criminal investigation, along with various written documentation.

SYNOPSIS:
On Friday September 23, 2005, at approximately 0406 hours, Deputies Jesse Melgoza and Arturo Gabriel were patrolling the area near the intersection of City Terrace Drive and Hicks Avenue in East Los Angeles. As they traveled westbound on City Terrace Drive, Deputy Melgoza observed a Hispanic male (later identified as Alejandro Jimenez) run across the street in front of the patrol car. Jimenez crossed the street and proceeded walking westbound on the north sidewalk of City Terrace Drive. As Melgoza and Gabriel drove closer to Jimenez, they saw him stop and bend down next to the right front wheel of a parked yellow truck, apparently discarding an unknown object. Jimenez then quickly stood and continued walking westbound on the sidewalk.

As Deputies Melgoza and Gabriel continued driving closer to Jimenez, Melgoza recognized Jimenez as a (then unidentified) male, whom he saw spray painting graffiti in the same area two days prior. Deputy Melgoza stopped the patrol car, and he and Deputy Gabriel contacted Jimenez on City Terrace Drive, near Alma Avenue. As they spoke with Jimenez, Melgoza observed several objective symptoms (dilated pupils, rapid speech, etc.) of a person under the influence of a controlled substance, a stimulant, and detained Jimenez. Jimenez was subsequently placed in the back seat of their radio car. Deputy Gabriel checked Jimenez for outstanding warrants via the vehicle's Mobile Digital Terminal (MDT), while Melgoza walked towards the area near the yellow truck where he saw Jimenez discard the unknown object.

As Deputy Melgoza walked slowly eastbound approaching the yellow truck, he looked down and inspected the sidewalk. When he reached the front of the yellow truck, he heard something move in front of him. Melgoza looked up from the ground and saw a muzzle flash, while simultaneously feeling a sharp pain in his right shoulder and hearing a loud gunshot coming from in front of him. He saw the figure of a person, where the muzzle flash was coming from directly in front of him, whom he believed was wearing a dark hooded sweatshirt, approximately one car length away. He realized he had been shot and returned fire towards the figure with his duty weapon.

Deputy Melgoza then moved south, between the front of the truck and another parked vehicle, and fired his pistol in an effort to cease the suspect's attack and keep the suspect from shooting him again. As he moved, he heard three to four more rounds being fired in his direction by the same firearm which initially shot him. Melgoza continued firing his weapon as he moved west in the street, retreating towards his patrol car. Once he reached the vehicle, Deputy Melgoza took cover behind the front driver's side of the patrol car, where he was joined by Deputy Gabriel. Deputy Gabriel examined Deputy Melgoza and confirmed that he had been shot and the wound was bleeding. Gabriel related that he saw the suspect run north on an adjacent street, Hicks Avenue, then out of view. A crime broadcast was initiated and a containment of the area was established with the assistance of responding deputies.

Personnel from Special Enforcement Bureau, Canine Detail, subsequently arrived and began a search of the area. During the search, a loaded AK-47 style assault rifle (MAK 90) and black hooded sweatshirt were discovered in the rear yard of [redacted] Ganahl Street (approximately half of a block away from the location of the incident). Additional information was then developed by Homicide investigators which revealed that a nineteen year old Hispanic male named Erik DeSantiago lived at that residence, and that DeSantiago had recently been arrested in South Gate with the pedestrian detainee, Alejandro Jimenez.

IAB Note: Erik DeSantiago was a documented "Sentinel Boys" gang member and Alejandro Jimenez was a documented associate.

A Search Warrant was authored by Homicide Bureau's Detective Schulze and served at the home of Erik DeSantiago. DeSantiago was located by S.E.B. Deputy Joseph Williams hiding inside the residence. There was also a bag recovered by Homicide Investigator Shannon Laren in DeSantiago's bedroom , which contained the shoulder stock for a AK-47 type rifle, as well as live 7.62X39mm rounds. Of note, the weapon recovered in the rear yard of the location was missing its shoulder stock, which was replaced with a pistol grip. Additionally, the live 7.62X39mm rounds were the same type and brand of casings recovered at the scene. Erik DeSantiago was arrested for Attempted Murder on a Peace Officer, 664/187 PC, and subsequently admitted to shooting at Deputy Melgoza.

IAB Note: During the search of Erik DeSantiago's residence, he hid and refused to surrender. The Sheriff's K-9 searching dog engaged him, and DeSantiago was subsequently bit on the right leg (see **Exhibit A, pages 23-25.**

During the incident, Deputy Melgoza was transported to Los Angeles County/USC Medical Center, where he was treated for a grazing gunshot wound to his upper right shoulder (trapezious muscle). Erik DeSantiago was transported to East Los Angeles Doctors Hospital, where he was treated for puncture wounds (dog bite) to his left calf. DeSantiago subsequently received an approval for booking, "OK to Book," and was transported to East Los Angeles Sheriff's Station.

A search of the initial scene on City Terrace Drive revealed a loaded revolver under the right front fender well of the parked yellow truck. Eleven 9mm expended casings, seven expended 9mm bullets, four expended 7.62x39 casings, and two expended 7.62x39 bullets were also recovered from the scene by the yellow truck.

Suspect Jimenez was booked at East Los Angeles Sheriff's Station for Vandalism, Under the Influence of a Controlled Substance - Stimulant, and Possession of a Loaded Firearm.

INVOLVED PERSONNEL:

Melgoza, Jesse
Deputy Sheriff, Employee #[redacted]
Field Operations Region I
East Los Angeles Station

EMPLOYEE WORK HISTORY:

Deputy Jesse Melgoza

Date of Employment:	01-20-93
Date assigned to East Los Angeles Patrol:	07-01-00
Date completed patrol training:	[redacted]
Prior Shooting Incident(s):	
Prior Founded Force Incidents:	

SUSPECT(S):

DeSantiago, Erik MH/19 DOB: 06-12-86 (IN CUSTODY)
[redacted]

CII: [redacted] FBI: [redacted] Main# [redacted] SS#: [redacted]
CDL: [redacted]
BKG#: 8748104

Jimenez, Alejandro MH/18 DOB: 11-26-86 (IN CUSTODY)
[redacted]

CII: [redacted] FBI: [redacted] Main # [redacted] SS#: [redacted]
CDL: [redacted]
BKG#: 8748164

CRIMINAL HISTORY:

Erik DeSantiago has [redacted]

IAB Note: Refer to **Exhibit A, pages 117-120** for Erik DeSantiago's criminal history report.

Alejandro Jimenez has [redacted]

IAB Note: Refer to **Exhibit A, pages 139-141** for Alejandro Jimenez's criminal history report.

WITNESSES:

Gabriel, Arturo
Deputy Sheriff, Employee #[redacted]
Field Operations Region I
East Los Angeles' Station

INJURIES:

Deputy Melgoza sustained a "through and through" gunshot wound to his right trapezius muscle. The wound was approximately 1/4 inch wide by 2 inches long and 1/4 inch deep. Deputy Melgoza was treated at Los Angeles County U.S.C. Hospital by Dr. Nirav Shah.

IAB Note: Refer to **Exhibit A, page 17,** for information regarding the treatment and transportation of Deputy Melgoza.

Erik DeSantiago sustained several small puncture wounds (dog bite) to his left ankle. He was transported to East Los Angeles Hospital, where he was seen and treated by Dr. Khilef. Eric DeSantiago was medically cleared for booking ("OK to book") and transported to East Los Angeles Sheriff's Station.

IAB Note: Refer to **Exhibit A, pages 18, 19, & 125 through 127,** for information regarding the treatment and transportation of Erik DeSantiago.

INVESTIGATOR OBSERVATIONS:

The physical evidence at the shooting scene (positions of shell casings and expended rounds; position of the patrol car; position of the damaged vehicles, and evidence recovered at the scene) appeared to be consistent with the deputies' and witnesses' versions of the event.

PHYSICAL EVIDENCE:

Refer to the Homicide Book, **Exhibit A, pages 48-57 and 62 - 70** for Physical Evidence gathered at the crime scene(s) and processed by the Crime Lab. The Crime Lab report is located on **pages 151-168** of the same exhibit. For further information regarding placement and/or description, refer to photographs of the crime scene and evidence in the *Photographs* section of this report and the crime scene sketch (**Exhibit A, pages 142-146**).

Refer to the property damage section for additional comments regarding bullet strikes.

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy Jesse Melgoza

Department issued service firearm: Beretta, Model 92F, 9MM, Serial #BER[redacted] The weapon was equipped with a laser sight system on the grip. The pistol was examined by Homicide investigators and found to contain fifteen live rounds loaded in the magazine and one live round in the chamber of the pistol. During the incident, Deputy Melgoza stated that he preformed a tactical reload, and the remaining magazine was left at the crime scene. The magazine was subsequently recovered and found to contain four live rounds. This would account for **eleven rounds** being fired by Deputy Melgoza at the time of the incident.

IAB Note: For further information and testing of Deputy Melgoza's weapon, refer to **Exhibit A, pages 158**.

WEAPONS USED BY SUSPECT(S):

Erik DeSantiago

Norinco MAK-90, Serial number [redacted] The weapon contained one live 7.62X39mm round in the chamber and thirty-six (36) live 7.62X39mm rounds in the magazine. There was no record of the weapon recorded in the Automated Firearm System (AFS).

IAB Note: Refer to **Exhibit A, pages 147, 149, and 155 through 160** regarding information and examination of the weapon.

A Gun Shot Residue Test (GSR - Test 33399) was performed on Erik DeSantiago. The examination concluded: "*Three particles consistent with gunshot primer residue were detected. The presence of the particles is consistent with the subject handling or discharging a firearm, being in close proximity to a discharging firearm, or otherwise having been in contact with an environment of gunshot primer residue. Environmental or occupational sources for the particles cannot be excluded.*"

IAB Note: Refer to **Exhibit A, pages 20 and 162** regarding information on the Gun Shot Residue Test.

Alejandro Jimenez

Smith & Wesson .38 Special, Serial number [redacted] The weapon was loaded with six (6) live ".38 Special" rounds. A check of the Automated Firearm System (AFS) revealed the weapon was a stolen firearm from Culver City.

IAB Note: Refer to **Exhibit A, page148, 150, and 155 through 160** regarding information and examination of the weapon.

PROPERTY DAMAGE:

The following property damage was identified and labeled consistent with the Crime Lab report (**Exhibit A, pages 151-168).** For the position of the vehicles, refer to the Crime Scene Diagram (**page 143 of Exhibit A**).

Item D 1988 Honda 4 door, beige in color, CA license plate [redacted] parked at [redacted]

D-1 One hole was observed in the front windshield of the vehicle. Examination revealed that the bullet struck the windshield from the front and at a slight left to right angle. The bullet perforated the windshield, drivers seat headrest, the left rear passenger seat, and the brake light housing located on the rear window deck. The bullet then perforated the rubber molding at the base of the left side of the rear window and exited the vehicle.

D-2 The left front driver's door window had been shattered by an apparent bullet strike. Examination revealed that the bullet struck the window from the front and at a slight left to right angle. The shattered left front window is in line with the apparent bullet exit hole to the right side of the rear window of the vehicle.

Item E 1997 Ford F-150 Pick-up, yellow in color, CA license plate [redacted] parked at [redacted]

E-1 One bullet impact was observed to the left side of the hood on the Ford pick up truck. The bullet was fired from front to back, deflecting off the hood,

through the front windshield, grazing the top of the steering wheel and into the head rest of the driver's seat. No bullet was able to be detected in the head rest. However, the expended bullet contained in item 26 was recovered on the floor at the left side of the driver's seat.

E -2 One bullet hole was observed to the left side of the front windshield. Examination revealed that the bullet struck the vehicle from the front, perforating the windshield and striking the top, left side area of the dashboard. The expended bullet fragment contained in item 30 was recovered from the top of the dashboard.

E - 3 One bullet impact was observed to the right exterior side of the truck's bed. Examination revealed that the bullet was fired from front to rear.

Item F 2003 Toyota Sequoia SUV, 4 door, gray in color, CA license plate [redacted] parked at [redacted]

F -1 One bullet hole was observed to the lower left area of the front bumper. Examination revealed that the bullet was fired from the front. The bullet perforated the bumper and into the left front tire. The expended bullet contained in item 27 was recovered from the tire.

Item G 1999 Ford Explorer, 4 door, black in color, CA license plate [redacted] parked at [redacted]

G-1 One bullet hole was observed to the driver's door frame rubber molding at the "A" pillar. Examination revealed that the bullet was fired from the rear, at a slight right to left angle. The bullet is consistent with have shattering the rear cargo door window. The bullet then perforated the driver's seat headrest and struck the rubber molding at the front of the driver's door at the "A" pillar. The expended bullet jacket contained in item 25, was recovered from the rubber molding.

G -2 One bullet hole was observed to the driver's door frame rubber / plastic molding at the "A" pillar. Examination revealed that the bullet was fired from the rear, at a slight right to left angle. The bullet is consistent with having shattered the rear cargo door window. The bullet perforated the molding at the "A" pillar and exited the vehicle.

G -3 One bullet impact was observed to the lower left area of the front bumper. Examination revealed that the bullet was fired from front to rear. Chemical testing revealed the presence of lead at the impact.

Deputies Bruce Lang and Anthony Haynes from Risk Management Bureau, Civil Litigation Unit, arrived on-scene at approximately 0820 hours.

CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator: Detective Gabrielle Graves, Homicide Bureau

Court: East Los Angeles Superior Court

Charges Filed:

DeSantiago, Erik: Attempt Murder of a Peace Officer, 664/187(a) PC, (DeSantiago's next scheduled court date for a pre-trial hearing is July 11, 2006.)

Jimenez, Alejandro: Carrying a Loaded Firearm While Under the Influence of a Controlled Substance, 11550 (e) H & S
Under the Influence of a Controlled Substance (Stimulant), 11550 H & S

187. (a) Murder is the unlawful killing of a human being, or a fetus, with malice aforethought.

664. Every person who attempts to commit any crime, but fails, or is prevented or intercepted in its perpetration, shall be punished where no provision is made by law for the punishment of those attempts, as follows: (a) If the crime attempted is punishable by imprisonment in the state prison, the person guilty of the attempt shall be punished by imprisonment in the state prison for one-half the term of imprisonment prescribed upon a conviction of the offense attempted. However, if the crime attempted is willful, deliberate, and premeditated murder, as defined in Section 189, the person guilty of that attempt shall be punished by imprisonment in the state prison for life with the possibility of parole. If the crime attempted is any other one in which the maximum sentence is life imprisonment or death, the person guilty of the attempt shall be punished by imprisonment in the state prison for five, seven, or nine years. The additional term provided in this section for attempted willful, deliberate, and premeditated murder shall not be imposed unless the fact that the attempted murder was willful, deliberate, and premeditated is charged in the accusatory pleading and admitted or found to be true by the trier of fact.

11550 (a) No person shall use, or be under the influence of any controlled substance which is (1) specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), (21), (22), or (23) of subdivision (d) of Section 11054, specified in subdivision (b) or (c) of Section 11055, or specified in paragraph (1) or (2) of subdivision (d) or in paragraph (3) of subdivision (e) of Section 11055, or (2) a narcotic drug classified in Schedule III, IV, or V, except when administered by or under the direction of a person licensed by the state to dispense, prescribe, or administer controlled substances. Any person convicted of violating this subdivision is guilty of a misdemeanor and shall be sentenced to serve a term of not less than 90 days or more than one year in a county jail.

11550 (e) Notwithstanding subdivisions (a) and (b) or any other provision of law, any person who is unlawfully under the influence of cocaine, cocaine base, heroin, methamphetamine, or phencyclidine while in the immediate personal possession of a loaded, operable firearm is guilty of a public offense punishable by imprisonment in a county jail for not exceeding one year or in state prison.

LIGHTING OR WEATHER CONDITIONS:
The weather was cloudy, cool, and dark at the time of the shooting (approximately 0406 hours).

INVOLVED DEPUTIES:

Deputy Jesse Melgoza
Deputy Jesse Melgoza was interviewed in the Captain's Office of East Los Angeles Sheriff's Station on Friday, September 23, 20005, at 1149 hours (approximately eight hours after the shooting). He was interviewed by Homicide Detectives Gabrielle Graves and Robert Harris. He was accompanied by his LASPA union representative, Gregory Emerson. The following is a summary of the interview, which was audio recorded.

Deputy Melgoza stated that at approximately 0406 hours, he and Deputy Gabriel were traveling west on City Terrace Drive at Hicks Avenue, when he saw a male Hispanic walking slowly from the south curb of City Terrace Drive to the north sidewalk of City Terrace Drive. The male (later identified as Alejandro Jimenez) looked directly at their patrol vehicle and then walked between two parked sports utility vehicles and onto the sidewalk. At the time, Melgoza related that he did not see any other persons on the street or in the area. As he continued westbound, Melgoza said he advised Deputy Gabriel, "there's going to be a guy, he's walking on your side of the street."

Deputy Melgoza said he saw the male stop and bend down next to the right front wheel well of a parked yellow truck. The male then quickly stood up and continued walking west on the sidewalk. Deputy Melgoza continued west driving past Hicks Avenue and several vehicles parked along the north curb of City Terrace Drive. As he passed the vehicles, Melgoza said he was able to view Jimenez, although the view was partially obstructed. As Jimenez continued to walk west, he looked directly at the deputies; Melgoza related that he recognized Jimenez as one of two people he saw spray painting graffiti in the area two days prior.

IAB Note: Deputy Melgoza explained that two days prior, he saw Jimenez, along with another male Hispanic (unidentified) spray painting graffiti onto the wall of a building at the southwest corner of City Terrace Drive and Hicks Avenue. But, as he approached the two in a marked black and white patrol vehicle, they ran southbound on Hicks Avenue and out of view. Deputy Melgoza returned to the spray painted wall and noticed that the graffiti was "SBS," a local street gang he is familiar with called "Sentinel Boys." He said that as he viewed Jimenez, who was walking west on the north

sidewalk of City Terrace Drive, he was certain that he was one of the two males that he previously saw committing the misdemeanor crime of vandalism. He described the other male Hispanic as being thin and approximately 5'08" to 5'11" tall, having a shaved head or very short hair, and wearing dark clothing.

Based on his observations, coupled with Jimenez' current actions, Melgoza said he stopped the patrol car, and he and Deputy Gabriel detained Alejandro Jimenez on City Terrace Drive.

Deputy Melgoza said during the detention, he asked Jimenez, "where are you from? [Then stated] I see that you are from the 'Sentinel Boys.'" He said Jimenez denied association with "Sentinel Boys;" but, he (Melgoza) then confronted Jimenez, stating that he observed him spray painting on the wall a few days prior. Melgoza said as they spoke, he noticed that Jimenez' pupils were extremely dilated and his speech was rapid. Based on his observations, he formed the opinion that Jimenez was possibly under the influence of a stimulant. Melgoza said he instructed Deputy Gabriel to detain Jimenez in the rear seat of their patrol vehicle and check Jimenez for outstanding warrants using their Mobile Digital Terminal (MDT). Melgoza said Deputy Gabriel patted Jimenez down and placed him in the rear seat of their patrol vehicle.

Melgoza said he then began walking slowly east on the sidewalk and towards the area where he saw Jimenez walk between the parked vehicles. Melgoza said as he approached a yellow truck, where he saw Jimenez stop momentarily, he looked on the ground and illuminated the area with his flashlight. As he walked in front of the yellow truck, Melgoza said he heard something move in front of him. He looked up from the pavement and suddenly saw a muzzle flash, coupled with the sound of a loud gunshot coming from in front of him. Melgoza related that as he saw the muzzle flash, he immediately smelled and tasted burned gunpowder as he felt a sharp pain in his right shoulder. Melgoza said he saw a figure, which he believed was a person wearing a dark hooded sweatshirt with the hood up. He related that the figure was directly in front of him, approximately two car lengths to the east, near the curb line of the street next to the rear of a Ford Explorer.

IAB Note: Refer to the diagram (**Exhibit A, page143**) for the approximate placement of Deputy Melgoza and Suspect Erik De Santiago.

Melgoza said he realized that the flash was a gunshot and that he had been shot. He said he drew his pistol from his holster and returned gunfire towards where he saw the figure and the muzzle flash. He then moved south and to his right, between the front of the yellow truck and a parked vehicle west of the truck, seeking cover. Melgoza related that he continued to fire his pistol in an effort to nullify the suspect's attack. As he fired, he stated that he heard three to four additional rounds being fired in his direction by what sounded like the same firearm which initially shot at him. Melgoza stated that he continued to fire his weapon in the direction of the suspect's location, and moved west into the street and towards his patrol vehicle. After firing his weapon, Melgoza stated that he made a broadcast advising of the shooting, via his hand held Sheriff's radio, and took cover behind the front driver's side of his patrol car.

IAB Note: Deputy Melgoza related that he was conscious of his surroundings at the time of the shooting, relating that the nearby businesses were closed. He stated that he believed he fired approximately ten rounds during the incident, and completed a tactical reload while positioned behind his radio car.

Deputy Melgoza said he felt a "burning sensation" in his right shoulder and asked Deputy Gabriel to check to see if he had been shot in that area. He said Deputy Gabriel checked his shoulder and confirmed that he had been shot. Melgoza stated that he never saw the shooting suspect flee the area, but he was advised by Deputy Gabriel that the suspect had run north onto Hicks Avenue and out of view. Deputy Melgoza said he then directed the assisting units responses and initiated a containment of the area, until Deputy Hennessy arrived and assumed the responsibilities of coordination and containment of the incident.

IAB Note: Fire Department personnel were summoned to Alma Avenue, where Deputy Melgoza walked to their location and advised paramedics that he had been shot. Deputy Melgoza was treated at the scene, then placed in an ambulance and transported to Los Angeles County U.S.C. Hospital. Melgoza was treated for a "through and through" gunshot wound to the top of the right trapezoid and was subsequently released. He was transported to East Los Angeles Sheriffs Station, where he provided his statements.

WITNESS STATEMENTS:

Deputy Arturo Gabriel

Deputy Arturo Gabriel was interviewed in the Captain's Office of East Los Angeles Sheriff's Station on Friday, September 23, 2005, at 1110 hours (approximately seven hours after the shooting), by Homicide investigators, Detectives Gabrielle Graves and Robert Harris. Deputy Gabriel was accompanied by his ALADS attorney, Richard Shinee. Sergeant Clay Anderson, assigned to Internal Affairs Bureau, was also present for the interview. The following is a summary of the interview, which was audio recorded.

Arturo Gabriel stated he and his partner, Deputy Jesse Melgoza, were traveling west on City Terrace Drive, approaching Hicks Avenue, when his attention was diverted towards the street as Deputy Melgoza told him, "There's a guy who crossed the street to your side. He'll be walking on the sidewalk." Gabriel stated that he did not initially see the man, but as they continued westbound he saw a Hispanic male on the north sidewalk of City Terrace Drive. Gabriel said that Melgoza told him they were going to detain the pedestrian (later identified as Alejandro Jimenez). As they continued on City Terrace Drive, past Hicks Avenue, Gabriel said his view of Jimenez was obstructed, relating that there was a row of parked cars between him and Jimenez, who was now walking west on the sidewalk.

Deputy Gabriel said as they reached a place near a closed business (located at 3241 City Terrace Drive) there was a clear area where there were no parked vehicles or anything to obstruct their view of Jimenez. Gabriel stated that Melgoza stopped the radio car and they exited the vehicle, approaching Jimenez. Gabriel said he called out to Jimenez, who was now proceeding towards them. Gabriel said he performed a patdown search of Jimenez and asked him where he was going. Jimenez replied that he was going to the home of a female friend named [redacted] who lived on Alma Avenue.

Deputy Gabriel related that Jimenez did not appear nervous about the detention, relating that he was cooperative. Gabriel said during the contact, Deputy Melgoza instructed him to place Jimenez in the backseat of their patrol vehicle and check Jimenez for identification and any outstanding warrants. Gabriel said he had Jimenez sit in the right rear passenger's seat of the patrol vehicle, as he sat in the right front passenger seat of the patrol vehicle and began to run Jimenez's information using the Mobil Digital Terminal (MDT). Gabriel said he saw Melgoza walk slowly eastbound away from the patrol car and along the north sidewalk of City Terrace Drive, shining his light on the sidewalk and looking down as he walked. After a brief time, Gabriel said he returned his attention back to the MDT as he continued to operate the computer and question Jimenez.

Deputy Gabriel said he suddenly heard three to four loud gunshots. He exited the patrol car, removing his pistol from its holster. He said he could not tell where the shots came from as he moved to the north near the sidewalk. He then heard more gun shots, as he saw Deputy Melgoza moving quickly backward into the street from the sidewalk and talking on his portable hand held radio. Gabriel said Deputy Melgoza was east of their patrol car and quickly retreating towards it. He said as he looked back east, he saw a male run quickly northbound across the north sidewalk of City Terrace Drive. The male then ran north onto Hicks Avenue and out of his view. Gabriel remarked that the male was wearing dark clothing and appeared to have short hair. He further stated that it looked as if the man was holding an object, which appeared to be a rifle, in a port arms position with both hands.

Deputy Gabriel said Deputy Melgoza initiated a broadcast on his hand held radio, advising that he had been involved in a shooting and requested assistance. Gabriel said several patrol units arrived at their location, and a containment of the area was established. He said he observed that Melgoza was bleeding from his right shoulder, and that it appeared as if Melgoza had been shot.

Deputy Gabriel stated that he asked Jimenez, who was still seated in the rear seat of the patrol vehicle, if he knew who shot at Melgoza and if he had been with anyone before he was detained. Jimenez replied that he was alone and he did not know who was involved. Gabriel said Jimenez was eventually transferred to another patrol vehicle by an assisting unit (unknown) and he (Gabriel) was subsequently transported to East Los Angeles Sheriff's Station.

SUSPECT(S) STATEMENT:

ALEJANDRO JIMENEZ

On Friday, 09-23-05 at approximately 1324 hours, Homicide investigators Graves and Harris conducted an interview with **ALEJANDRO JIMENEZ**, at the East Los Angeles Sheriff's Station. The following is a synopsis of the interview, which was audio recorded.

Alejandro Jimenez stated that at approximately 0400 hours this morning (9-23-05), he was walking from his house [redacted] to the residence of a female friend (unidentified) on Alma Avenue. He said he was walking alone westbound on City Terrace Drive, relating that he had not seen anyone else on the street. He said as he walked on the sidewalk of City Terrace Drive, between Hicks Avenue and Alma Avenue, he was detained by two deputies in a marked black and white patrol vehicle. Jimenez related that the vehicle approached him from behind (from the east), then drove parallel to him as he continued to walk westbound just prior to the deputies stopping him. He said during the contact one of the deputies placed him in the backseat of the patrol vehicle and was speaking with him, as the other deputy walked east on the sidewalk from where he came, "to see if I dropped anything."

Jimenez said as he sat in the patrol car, he heard gunshots from the area. He said he turned and looked back towards the deputy on the sidewalk (behind the patrol vehicle). Jimenez said he saw the deputy running west in the street of City Terrace Drive, back towards the radio car. He stated that he was not sure who was doing the shooting, relating that he did not see anyone. He said after the incident he was questioned by the deputies about whom he was with; however, he reiterated that he was alone.

Jimenez stated that when he was contacted by the deputies, he was under the influence of methamphetamine, relating that he had used some "glass" (methamphetamine) at his house a few hours before their encounter.

When Jimenez was asked if he was involved in a "tagging" incident two days prior, he stated that he knew nothing about any "tagging;" however, he stated that two nights earlier he was with a friend, Erik DeSantiago, at Hicks Avenue and City Terrace Drive when a marked patrol vehicle approached them. He said he walked away from some deputies, as Erik ran.

Jimenez stated that DeSantiago came to his house at [redacted] earlier on the night of the shooting; however, DeSantiago left his house approximately an hour and a half before the shooting incident. Jimenez related that Erik was wearing a black jacket and black shorts when he left.

IAB Note: Jimenez stated that Erik DeSantiago is a "Sentinel Boys" gang member, and goes by the moniker of "Monkey."

Jimenez initially denied ever dropping anything prior to being contacted by the deputies; however, when Investigators confronted him regarding the handgun that was found in the wheel well of a parked yellow truck, he admitted that the handgun belonged to him. He stated that he kept it for "protection," relating that he was recently shot at by an outside gang called [redacted] (Jimenez stated that he is not a gang member; however he lives in a gang area.) He

further stated that he placed the weapon in the truck, when he saw the deputies approaching him. Jimenez described the handgun as a blue .38 caliber Smith &Wesson revolver, loaded with six live rounds. He said that he bought the gun one week prior from "a guy" for $30.00 - $40.00. He admitted that the gun was possibly stolen, stating that he did not know the history of the revolver. Jimenez also related that he had additional live .38 caliber ammunition at his residence, and added that Erik DeSantiago also left other ammunition at his residence, describing it as bullets that were three inches long and designed for a "big" gun. He stated that Erik's ammunition was in a bag and was probably with the .38 caliber ammunition.

Jimenez's interview with Homicide investigators concluded at 1416 hours.

At approximately 2142 hours, Alejandro Jimenez was interviewed again by Detectives Batanero and Pachuca of East Los Angeles Sheriff's Station. The interview was initiated by Jimenez, who stated that he did not want to be involved in Erik DeSantiago's attempt murder charge/case. The following is a summary of the interview, which was also audio recorded.

IAB Note: Detectives Batanero and Pachuca were assigned to transport Jimenez and DeSantiago to the Los Angeles County Sheriff's Department Inmate Reception Center (IRC) for processing and housing. For further information regarding their contact and interview with Alejandro Jimenez and Erik DeSantiago, refer to their Supplementary Report, which is included in this investigation as **Exhibit A, pages 44-47**.

Jimenez stated that the previous night (Thursday, 09-22-05), between 1800 and 1900 hours, he had smoked methamphetamine. He stated that later in the night, between midnight and 0100 hours, he was at home when DeSantiago arrived at his house carrying an AK47 type assault rifle. He said he saw that DeSantiago was wearing a black sweater or sweatshirt and carrying the weapon down the side of his body with either the barrel or stock near his armpit. DeSantiago removed his black sweater and wrapped it around the assault rifle, leaving it outside. He and DeSantiago then stayed inside of the house until approximately 0330 hours, when they decided to leave. Jimenez related that he walked northbound, traversing City Terrace Drive, then walking westbound along the north sidewalk, armed with a "Smith & Wesson" .38 caliber revolver, as DeSantiago walked westbound along the south sidewalk, armed with the assault rifle.

At City Terrace Drive and Hicks Avenue, Jimenez said DeSantiago traversed City Terrace Drive and they met on the northwest corner (City Terrace Drive and Hicks Avenue), where they discussed what they were going to do from there. Jimenez said he told DeSantiago that he was going to [redacted] house on Alma Avenue and Ganahl Street, for the purpose of sex. He said DeSantiago told him that he (DeSantiago) was going home. At that time, Jimenez stated that they both observed a Sheriff's patrol car approaching westbound on City Terrace Drive, and they said to each other, "The cops." He said they then separated and walked away from each other.

Jimenez said he walked westbound on City Terrace Drive, not knowing where DeSantiago had gone. He said as he walked, he placed the revolver on top of the front right tire of a yellow truck, discarding it. He said shortly afterwards he was detained by the deputies in the approaching patrol vehicle, and subsequently placed in the back seat of the car. Jimenez said he was there for approximately five minutes, when he suddenly heard gunshots coming from behind the vehicle. He then saw Deputy Melgoza, who was outside the patrol car, run back to the patrol car. Jimenez related that he saw the muzzle flashes of the gunshots, but he did not see who was doing the shooting.

Jimenez denied involvement in the shooting incident, stating that the incident was "not an ambush" or "set-up."

IAB Note: Detectives Batanero and Pachuca also reported that when they went "off-tape," Jimenez requested to speak with DeSantiago in order to "personally advise him" that he told them (Detectives Batanero and Pachuca) the truth regarding the incident. According to Detectives Batanero and Pachuca, Jimenez stated that he believed that he could convince DeSantiago to tell them the truth regarding the incident, and requested that they arrange a meeting between the two of them (Jimenez and DeSantiago). Detectives Batanero and Pachuca reported that they agreed to Jimenez's request and subsequently set up the meeting.

Detectives Batanero and Pachuca reported that as they advised DeSantiago that Jimenez had told them the truth regarding him and the AK-47. DeSantiago spontaneously stated, "It wasn't an AK, it was a MAK 90," and subsequently agreed to be interviewed by the detectives. For a copy of Detectives Batanero and Pachuca's report regarding their interview of Jimenez and DeSantiago, refer to their Supplementary Report, included in this investigation as **Exhibit A, pages 44-47**. A verbatim transcript is also included in the investigation, **Exhibit A, pages 169-194**.

Erik DeSantiago

On Friday, September 23, 2005, at approximately 1700 hours, Homicide investigators Gabrielle Graves and Robert Harris conducted an interview with Erik DeSantiago in an interview room at East Los Angeles Sheriff's Station. The following is a synopsis of the interview, which was audio recorded.

Erik DeSantiago stated that he was not at the location of City Terrace Drive and Hicks Avenue when the deputy involved shooting occurred that night. He stated that he knew nothing about the incident, further stating that at approximately 0400 hours he was at home in bed.

DeSantiago related, however, that his [redacted] woke him during the night and told him that she had heard gun shots. He said they went outside to see what was "going on;" except, they did not see anything.

At that time, Homicide investigators told DeSantiago that they had located a weapon in the backyard of his residence, and advised him that the weapon was used in the armed attack against a deputy. De Santiago denied ownership of the weapon, further stating that he did not own any weapons or ammunition. De Santiago further denied being a member of the "Sentinel Boys" street gang, but stated that he was friends with some "Sentinel Boys" gang members. He also related that he was friends with Alejandro Jimenez.

IAB Note: When asked by Homicide investigators why he did not surrender or make himself known during the incident at his residence, DeSantiago stated that he did not want to go to jail. DeSantiago said he heard the deputies outside his residence making announcements to "come out with his hands up and we won't harm you." However, he stated that he did not want to come out, and hid inside of his house.

For additional information regarding the capture of Erik DeSantiago, refer to Deputy Gallegos' (Homicide Bureau) and Deputy Williams' (Canine Services Detail) Supplementary reports, **Exhibit A, pages 22-25**.

Erik DeSantiago's interview with Homicide investigators was terminated at approximately 1749 hours.

At approximately 2305 hours, Detectives Batanero and Pachuca interviewed Erik DeSantiago (refer to previous *IAB Note*, page 16). DeSantiago related that the night prior to the incident involving Deputy Melgoza, Thursday (09-22-05) at approximately 2030 hours, he was shot at by rival gangsters from [redacted] as he stood on the corner of Hicks Avenue and Ganahl Street. He related that after the incident, he returned home and later in the evening armed himself with his MAK 90 for protection.

IAB Note: DeSantiago (correctly) described the MAK 90 as made of black steel with the stock removed and replaced with a wood pistol grip. He said he bought the weapon approximately two months prior to the incident for $150.00.

Between 2330 and 2400 hours, DeSantiago said he left his residence and arrived at Alex Jimenez's house carrying the MAK 90. At approximately 0330 hours, he said he and Alex left the house walking westbound along the south sidewalk of City Terrace Drive. DeSantiago related that he was armed with the MAK 90 and Jimenez was armed with a revolver. After a short period, DeSantiago said he and Jimenez decided to separate, and he began to walk away northbound on Hicks Avenue towards his home [redacted], as Jimenez walked westbound along City Terrace Drive.

DeSantiago said shortly after they parted, he heard the sound of an approaching Sheriff's patrol vehicle. He then observed it traveling westbound on City Terrace Drive towards Suspect Jimenez. He stated that he followed the vehicle on City Terrace Drive to see what was happening between the deputies and Jimenez. DeSantiago said as he hid behind a parked

car adjacent to a water dispensing machine, he saw a deputy (Melgoza) shining his flashlight and walking closer to where he (DeSantiago) was positioned. DeSantiago stated that he initially wanted to run, but he was scared and did not want the deputy to see him. He then decided to shoot at the deputy (Melgoza) in an attempt to distract him. DeSantiago said he jumped out from behind the vehicle where he was hiding, and fired two to three rounds from his MAK 90. He said after the deputy (Melgoza) shot back at him, he fled the area, running home.

IAB Note: DeSantiago related that he was not "aiming for the Deputy," but rather shooting at him in an attempt to "scare" him, so he could "run away." He estimated the distance between him and Melgoza to be approximately fifteen feet, or the distance from the rear of the vehicle to the front of it.

After the gunfight, DeSantiago said he hid the MAK 90 in an open sewer behind his house. He related that as he came out of the sewer, his [redacted] came outside and asked him what happened, explaining that she had heard gunshots. DeSantiago said he told her that there was a shooting on the corner, but he did not know who was involved in the incident. He said he then went into his residence until he was arrested and taken out of the house.